Order Granting / Denying Request For Ex Parte Reexamination	**Control No.** 90/006,533	**Patent Under Reexamination** 5436960	
	Examiner Lester G. Kincaid	**Art Unit** 2685	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed *30 January 2003* has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)☐ PTO-892, b)☒ PTO-1449, c)☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. ☐ The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

a) ☐ by Treasury check or,

b) ☐ by credit to Deposit Account No. _____, or

c) ☐ by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

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Reexamination

1. A substantial new question of patentability affecting claims 1-89 of United States Patent Number 5,436,960 is raised by the request for reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in reexamination proceedings are provided for in 37 CFR 1.550(c).

The request indicates that the Requester considers claims 1-89 to be unpatentable over the “Beginners guide to TCP/IP on the Amateur Packet Radio Network using the KA9Q Software”, Perkins, and the Aloha Net.

It is agreed that consideration of the references raises a substantial new question of patentability as to claims 1-89 of the Campana, Jr. et al. patent (5,436,960). As pointed out in the claim charts applying each reference to the recited limitations of the independent patented claims, the references reasonably convey a system including each of the claimed features. None of the references were previously of record or previously considered in the prosecution of the application that became the Campana, Jr. et al. patent. Further, there is a substantial likelihood that a reasonable examiner would consider the teachings, either alone or in combination, as material to the decision of patentability of the Campana, Jr. et al. claims. Accordingly, the cited references raise a substantial new question of patentability of claims 1-89, which question has not been decided in a previous examination of the Campana, Jr. et al. patent.

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,436,960 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Lester Kincaid
Primary Examiner AU 2685

4/9/03

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/006,676	06/24/2003	5438611	-	5438

20457 7590 09/03/2003

ANTONELLI, TERRY, STOUT & KRAUS, LLP
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EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

E0200300" 34556001

Copy to: third party
David L. Stewart

PTO-90C (Rev. 07-01)

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/006676

PATENT NO. 5,438,611

ART UNIT 2681

Enclosed is a copy of the latest communication from the Patent and Trademark Office in the above identified reexamination proceeding. 37 C.F.R. 1.550(e).

Where this copy is supplied after the reply by requester, 37 C.F.R. 1.535, or the time for filing a reply has passed, no submissions on behalf of the reexamination requester will be acknowledged or considered. 37 C.F.R. 1.550(e).

Order Granting / Denying Request For Ex Parte Reexamination	**Control No.** 90/006,676	**Patent Under Reexamination** 5438611	
	Examiner Lester G. Kincaid	**Art Unit** 2685	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 24 June 2003 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)☐ PTO-892, b)☒ PTO-1449, c)☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. ☐ The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

a) ☐ by Treasury check or,

b) ☐ by credit to Deposit Account No. _____, or

c) ☐ by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

Reexamination

1. A substantial new question of patentability affecting claims 1-80 of United States Patent Number 5,438,611 is raised by the request for reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in reexamination proceedings are provided for in 37 CFR 1.550(c).

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Issues Raised in the Request

The Request for Reexamination incorporates a LIST OF APPENDICES and also provides a PTO-1449 form, both of which list pertinent prior art to be considered in the Request. The Request is somewhat confusing in that the LIST OF APPENDICES and the PTO-1449 both refer to listed prior art using different identifiers. For example, reference "B1" on the LIST OF APPENDICES appears to be identical to reference "AD" on the PTO-1449; and reference "B2" on the LIST OF APPENDICES appears to be coincide with reference "AE" on the PTO-1449. Furthermore, some of the 'references' listed in the LIST OF APPENDICES (such as references "B3", "C1" and "D1") are not listed on the PTO-1449, inasmuch as they are claim charts (not prior art) provided by the requester.

Furthermore, the choice of language used to set forth the issues raised in the request are confusing. For example, the Request sets forth that each of the independent claims is “anticipated” by single “reference B1 (GSM/X.400) as explained by references B2 and B4”. Yet the “(GSM/X.400)” identifier following reference “B1” implies it must be the combination of at least B1 and B2 together which are to be considered inasmuch as “B1” is the GSM report and “B2” is the X.400 standard.

In an effort to clarify the record, the following paragraphs set forth the examiner’s best interpretation of each issue raised in the request. **Furthermore, for consistency, all prior art references have been identified in parentheses by the identifiers they have been provided with the on the PTO-1449, hereafter “1449”.**

2. The request indicates that the Requester considers claims 1, 46, and 55 to be unpatentable over each of the following references:

(1) the integration of GSM and X.400 (hereafter GSM/X.400 system) as described in GSM Report 03-42 (1449-AD) entitled “Advanced MHS Access” in combination with references entitled CCITT Standard X.400 (1449 - AE) and “Architectural Aspects of Data and Telematic Services in a GSM PLMN” by Graham Crisp and Alfons Eizenhoefer from the Proceedings of the Third Nordic Seminar on Digital Land Mobile Radio Communications, September 12-15, 1988 in Copenhagen (1449 - AF);

(2) the GSM/X.400 system (as also disclosed by references AD, AE, and AF), but relying on the SMS feature (hereafter GSM/SMS system);

(3) Perkins (1449 - AB);

(4) Zabarsky et al. (1449 - AC);

(5) the printed document entitled "The AlohaNet" (1449 - AG) in combination with Computer Structures: Principles and Examples (1449 - AH), (the combination hereafter The AlohaNet documents);

(6) the combination of the SAM Reference Manual (1449 - AI) and SAM User Manual (1449 - AJ), the combination herefter noted as "TekNow-SAM system";

(7) the combination of references Beginner's Guide to TCP/IP on the Amateur Radio Packet Radio Network Using the KA9Q Internet Software (1449 - AQ) in combination with KA9Q Internet Software Package (1449 - AR), Portable RTTY Operation (1449 - AS), Your Gateway to Packet Radio (1449 - AT), PSR Quarterly -- Sarex II, "Packet Radio from the Shuttle" (1449 - AU), ARRL AMATEUR RADIO 5th Computer Network Conference (1449 - AV), ARRL AMATEUR RADIO 6th Computer Network Conference (1449 - AW), ARRL AMATEUR RADIO 7th Computer Network Conference (1449 - AX), ARRL AMATEUR RADIO 8th Computer Network Conference (1449 - AY), and ARRL AMATEUR RADIO 9th Computer Network Conference (1449 - AZ), the combination hereafter noted as "KA9Q Software",

and claims 2-45, 47-54, and 56-80 to be unpatentable over each of the above named references individually in conjunction with admissions of prior art in the Campana, Jr. et al patent specification.

3. It is agreed that consideration of the references raises a substantial new question of patentability as to claims 1-80 of the Campana, Jr. et al. patent (5,436,960). As pointed out in the claim charts applying each reference to the recited limitations of the

independent patented claims, the references reasonably convey a system including each of the claimed features. Of the references, only Zabarsky et al. was previously of record and previously applied in the prosecution of the application that became the Campana, Jr. et al. patent. Regarding Zabarsky et al., the requester has detailed a new interpretation of Zabarsky et al. which reasonably provides for a substantial new question of patentability. Further, there is a substantial likelihood that a reasonable examiner would consider the other teachings, either alone or in combination, as material to the decision of patentability of the Campana, Jr. et al. claims. In addition, as pointed out in the claim charts applying the admitted prior art to the recited limitations of the dependent patented claims, the references in conjunction with the admitted prior art reasonably convey a system including each of the claimed features. Accordingly, the cited references raise a substantial new question of patentability of claims 1-80, which question has not been decided in a previous examination of the Campana, Jr. et al. patent.

4. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,438,611 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Lester Kincaid
Primary Examiner AU 2685
9/2/03

ALLEN R. MACDONALD
DIRECTOR
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE
Washington, D.C. 20231

CONTROL NUMBER	ORDER DATE	PATENT NUMBER	PATENTEE
90/006,491	December 26, 2002	5,625,670	Campana et al.

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ARLINGTON VA 22209

EXAMINER	
Dwayne Bost	
ART UNIT	PAPER NUMBER
2681	1

DATE MAILED: **December 26, 2002**

DIRECTOR INITIATED ORDER FOR REEXAMINATION

Attachment(s): ☒ PTO-892. ☐ PTO-1449.
☐ Other: ____________________

Response Time For Patent Owner's Statement:

TWO MONTHS from the date hereof. 37 CFR 1.530(b).

Notes: If the patent owner does not file a timely statement under 37 CFR 1.530(b), reexamination will proceed in accordance with 37 CFR 1.550(a).

An identification of the claims, the references relied on, and the rationale of the decision to order reexamination is attached.

REEXAMINATION ORDER:

Pursuant to 37 CFR 1.520, reexamination is ordered. Note the attached decision.

Reexamination Control No. 90/006,491

Pursuant to 37 CFR §1.520 the Director of the United States Patent and Trademark Office has determined that the prior art discussed below raises a substantial new question of patentability as to claims 1-276 of U.S. Patent No 5,625,670.

RELEVANT PRIOR ART

[1] Textbook Computer Structures: Principles and Examples, chapters 5, 24 and 25, by Siewiorek et al., published by McGraw-Hill book Company, copyright 1982.

[2] Heart et al., (Bolt Bernack and Newman, Inc.), "The interface message processor for the ARPA computer network," Spring Joint Computer Conference Proceeding, 1970, pp. 551-567.

[3] S.M.Ornstein et al., (Bolt Bernack and Newman, Inc.), "The Terminal IMP for the ARPA Computer Network," AFIPS Conference Proceedings, June 1972, pp. 243-254.

[4] Cerf, V.G., and Kahn, R.E. "A protocol for packet network intercommunication," IEEE Transactions on Communications, vol. Com-22, May 1974, pp. 637-648.

[5] Binder, R. et al. (Hawaii University Honolulu), "ALOHA Packet Broadcasting – A Retrospect," January 1975, 25 pgs. (contract number: NAS2-8590, ARPA Order-1956).

[6] Binder, R. et al. (University of Hawaii Honolulu, Hawaii), THE ALOHANET MENEHUE – VERSION II, ARPA Order-1956, September 1974, pp. 1-55.

[7] Binder, R. (University of Hawaii) ALOHANET PROTOCOLS, ARPA Order No. 1956., September 1974, pp. 1-36.

[8] Abrahmson, N., "Development of the ALOHANET," IEEE Transactions on Information Theory, Vol. IT-31, No. 2, March 1985, pp. 119-123.

[9] Roberts, L., "Data by the Packet," IEEE Spectrum, Vol. 11, pp. 46-51, February 1974.

[10] Nelson, H.A., "The ARPANET IMP (Interface Message Processor) Port Expander," pp. 1- 48, November 1980.

[11] U.S. Patent 5,159,592 (Perkins), issued Oct. 27, 1992, filed Oct. 29, 1990.

DECISION

The claims of the 670 patent are drawn to a system and method for connecting e-mail systems and hence electronic mail to an RF transmission network and ultimately to a specific RF receiver.

Claim 1 is exemplary:

> A system for transmitting information from one of a plurality of originating processors contained in an electronic mail system to at least one of a plurality of destination processors contained in an electronic mail system with the information including originated information originating from one of the plurality of originating processors and being transmitted by an RF information transmission network to at least one of the plurality of destination processors and other originated information originating from one of the originating processors is transmitted with the electronic mail system without using the RF information transmission network to at least one of the destination processors comprising:
>
> at least one interface, one of the at least one interface connecting the electronic mail system containing the plurality of originating processors to the RF information transmission network; and wherein
>
> the originated information is transmitted in association with an address of the one interface from the one of the plurality of originating processors to the one interface with the electronic mail system responding to the address of the one interface to direct the originated information from the one of the plurality of originating processors to the one interface; and
>
> the originated information is transmitted from the one of the at least one interface to the RF information transmission network with an address of the at least one of the plurality of destination processors to receive the originated information being added at the originating processor originating the originated information, or by either the electronic mail system that contains the plurality of originating processors or the one interface.

References [1]-[10]

References [1]-[10] describe a system, method and details related to the equipment and protocols used to link computers together to form the ARPA Network (forefather of today's Internet) [1]. The ARPA Network links numerous host computers (read on originating processors w/in an electronic mail system) together. A host may send a message to another specific host (in which the specific host would then be read as a destination processor). The data which is transmitted by an origination host includes information as to the destination. This data is received via an IMP or

Interface Message Processor. The IMP or more flexible TIP (an IMP with a flexible terminal handling capability) [2] is the backbone for routing w/in the ARPA Network. [1]. The IMP or TIP would accept the data, split the data into packets, add header information which included the source and destination address for each packet (read on interface addressing) and broadcast the packets to other IMPs within the system for ultimate accumulation and reassembly of each packet in turn in order to retrieve the original data for delivery of the intact data to the destination host processor [2] [3] [4] [9]. Reference [1] provides good pictorial layouts of the ARPA Network 1979, (section 5, Figures 10 and 11, pp. 397-398). As can be seen, there are wired connections coupling the various host/IMPs covering the continental United States (read on originated information originating from one of the originating processors and transmitted with the electronic mail system without using an RF information transmission network).

Depicted in the figures referenced above (and described in references [1] [5] [6] [7] [8]) the ARPA Network was also interfaced with an RF information transmission network, i.e., the ALOHANET, wherein information/electronic message/data, etc. originating from a host (originating) processor within the ARPA Network was deliverable to a host (destination) processor within the ALOHANET via a TIP or IMP (MENEHUE). The MENEHUE or ALOHANET's IMP received information from other IMPs within the ARPA Network (or from within the ALOHANET system for internal delivery or delivery to an IMP and destination host processor within the ARPA Network) and would operate in the same fashion to gather all of the packets together, to recover the original information/data/electronic message, etc. The ALOHANET is read on an RF information transmission network coupling destination processor together as well as to the ARPA Network.

The MENEHUE is read on the at least one addressed interface connecting an electronic mail system to the RF information transmission network in that the manner of transmitting data/information/electronic messages, etc. to the other processors within the ALOHANET system is accomplished via radio packet broadcasting. Information received from a host (originating) processor within the ARPA Network for example, would be received by the ALOHANET, assembled and then packetized with the specific destination processor/receiver address. The information is transmitted via a radio packetized broadcast via the MENEHUE, wherein either a repeater or host (destination) processor terminal unit, with the appropriate address only, would receive and process the transmitted information. [5] [6] [7] [8].

The origination or host processor, within either connected network (ARPA Network or ALOHANET) would add the destination information to the originated information in order for the information to be routed correctly in the first place. The previous paragraph's example of a host processor sending information/data/electronic message etc. to a destination processor in the ALOHANET, reads on the claim limitation whereby the originated information is transmitted from the one interface (IMP connected to the host processor initiating the transmission) to the RF information transmission network with an address for a specific destination processor (i.e., one in which requires a radio packet broadcast in order to reach in the ALOHANET). [5] [6] [7] [8].

Reference [11] (U.S. Patent to Perkins)

The Perkins patent describes an INTERNET based system which allows for packet switch routing of information/data/electronic messages etc. between host processors across the Internet. This process is similar to that described with respect to the ARPA Network above (the ARPA Network was the forefather of Today's Internet). The problem that Perkins addresses has to deal with the connection of mobile communication units to LANs for addressing via packets routed from wired electronic mail systems into the wireless or RF transmission network.

The backbone of the INTERNET includes the host processors, routers, packeting processes as described previously, which reads on the claimed origination and destination processors (destinations not connected via an RF network) and interface routing via packeting processes which includes source and destination addressing. The problem the Perkins foresaw dealt with the addressing of mobile or non-fixed (RF) units. Fixed or wired Internet connection would have a permanently assigned TCP/IP routing address. If an end terminal were mobile, such as suggested by Perkins, then a fixed routing address would not work.

Perkins suggests a system/method for connecting the wired network to mobile users within an RF transmission network, see column 2, lines 4-10, lines 55-65; and column 3, lines 1-15. Column 3, lines 23-26 describe the local gateway as the interface device between the wired network and the RF transmission network with lines 5-8 stating that the routers of the wired Internet are instructed to forward packets destined for the wireless transmission network, to the global gateway. This reads on the addressing of the packets from an origination processor to the interface (global gateway) which connects the electronic mail system (INTERNET) to the RF information transmission network

Perkins goes on to describe that a mobile device may register with a particular LAN (local area network) by transmitting a unique identifier, such as its serial number, that is permanently stored within a memory of the mobile unit 10. The gateway (read as interface to RF transmission network) then associates this mobile ID with a pseudo-IP address which is assigned to the mobile device on a dynamic basis, column 5, lines 57-65. When the global gateway (interface) receives data/information/electronic message for a specific mobile unit (routed via destination address and delivered to the gateway) the gateway matches the received data to a dynamically assigned pseudo-IP address for the mobile and transmits the message to the appropriate LAN which broadcasts to the proper destination mobile (read on destination processor). Inherently the global gateway must have from the incoming packets, information with respect to the destination mobile which is entered from the origination processor, in order to associate the received packetized information/data/electronic message etc. for delivery to a specific mobile unit, see column 4, lines 25-60. Column 7, lines 54-56 and Column 8 lines 33-39 of Perkins provide examples of packet routing from the viewpoint of the mobile unit acting as origination processor. The IP address of the destination (remote user) processor is added to original data being transmitted and wherein the origination processor (mobile unit) adds header information to outgoing data so that the remote user (destination processor) knows that the data was initiated from the specific source, i.e. the mobile device. This example of TCP/IP routing demonstrates the claim limitations of adding address information at an origination processor originating the originated information.

CONCLUSION

In view of the above patent and printed publications and their teachings, a substantial new question of patentability is raised as to claims 1-276 of U.S. Patent 5,625,670. Reexamination of U.S. Patent 5,625,670 is ordered under 37 CFR § 1.520. All the patent claims will be reexamined.

Stephen G. Kunin
Deputy Commissioner for
Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

CONTROL NUMBER	ORDER DATE	PATENT NUMBER	PATENTEE
90/006,493	December 26, 2002	5,819,172	Campana et al.

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EXAMINER	
Dwayne Bost	
ART UNIT	PAPER NUMBER
2681	1

DATE MAILED: **December 26, 2002**

DIRECTOR INITIATED ORDER FOR REEXAMINATION

Attachment(s): ☒ PTO-892. ☐ PTO-1449.
☐ Other: ______________________

Response Time For Patent Owner's Statement:

TWO MONTHS from the date hereof. 37 CFR 1.530(b).

Notes: If the patent owner does not file a timely statement under 37 CFR 1.530(b), reexamination will proceed in accordance with 37 CFR 1.550(a).

An identification of the claims, the references relied on, and the rationale of the decision to order reexamination is attached.

REEXAMINATION ORDER:

Pursuant to 37 CFR 1.520, reexamination is ordered. Note the attached decision.

Reexamination Control No. 90/006,493

Pursuant to 37 CFR §1.520 the Director of the United States Patent and Trademark Office has determined that the prior art discussed below raises a substantial new question of patentability as to claims 1-223 of U.S. Patent No 5,819,172

RELEVANT PRIOR ART

[1] Textbook Computer Structures: Principles and Examples, chapters 5, 24 and 25, by Siewiorek et al., published by McGraw-Hill book Company, copyright 1982.

[2] Heart et al., (Bolt Bernack and Newman, Inc.), "The interface message processor for the ARPA computer network," Spring Joint Computer Conference Proceeding, 1970, pp. 551-567.

[3] S.M.Ornstein et al., (Bolt Bernack and Newman, Inc.), "The Terminal IMP for the ARPA Computer Network," AFIPS Conference Proceedings, June 1972, pp. 243-254.

[4] Cerf, V.G., and Kahn, R.E. "A protocol for packet network intercommunication," IEEE Transactions on Communications, vol. Com-22, May 1974, pp. 637-648.

[5] Binder, R. et al. (Hawaii University Honolulu), "ALOHA Packet Broadcasting – A Retrospect," January 1975, 25 pgs. (contract number: NAS2-8590, ARPA Order-1956).

[6] Binder, R. et al. (University of Hawaii Honolulu, Hawaii), THE ALOHANET MENEHUE – VERSION II, ARPA Order-1956, September 1974, pp. 1-55.

[7] Binder, R. (University of Hawaii) ALOHANET PROTOCOLS, ARPA Order No. 1956., September 1974, pp. 1-36.

[8] Abrahmson, N., "Development of the ALOHANET," IEEE Transactions on Information Theory, Vol. IT-31, No. 2, March 1985, pp. 119-123.

[9] Roberts, L., "Data by the Packet," IEEE Spectrum, Vol. 11, pp. 46-51, February 1974.

[10] Nelson, H.A., "The ARPANET IMP (Interface Message Processor) Port Expander," pp. 1- 48, November 1980.

[11] U.S. Patent 5,159,592 (Perkins), issued Oct. 27, 1992, filed Oct. 29, 1990.

DECISION

The claims of the 172 patent are drawn to a system and method for connecting e-mail systems and hence electronic mail to an RF transmission network and ultimately to a specific RF receiver.

Claim 99 is exemplary:

> A system for transmitting an inputted message, contained in an electronic mail message originating from one of a plurality of originating processors contained in at least one electronic mail system, to at least one RF receiver with at least the inputted message being transmitted by an RF information transmission system to the at least one RF receiver comprising:
>
> at least one interface, one of the at least one interface connecting the at least one electronic mail system containing the plurality of originating processors to the RF information transmission system; and wherein
>
> the electronic mail message originating from one of the plurality of originating processors includes an address of the one interface and is transmitted from the oneof the plurality of originating processors to the one interface which processes the electronic mail message with the one of the at least one electronic mail system responding to the address of the one interface to direct the electronic mail message from the one of the plurality of originating processors to the one interface;
>
> the RF information transmission system transmits at least the inputted message from the one interface through the RF information transmission system to the at least one RF receiver after information is inputted to the system; and
>
> at least one additional information source, each additional information source being coupled to at least one of the at least one interface and originating other information from outside any of the at least one electronic mail system for transmission to at least one RF receiver and information used by the RF information transmission system to identify the at least one RF receiver to receive the other information with the RF information transmission system providing transmission of the other information through the RF information transmission system to the identified at least one RF receiver receiving the other information.

References [1]-[10]

References [1]-[10] describe a system, method and details related to the equipment and protocols used to link computers together to form the ARPA Network (forefather of today's Internet) [1].

The ARPA Network links numerous host computers (read on originating processors w/in an electronic mail system) together. A host may send a message to another specific host (in which the specific host would then be read as a destination processor). The data which is transmitted by an origination host includes information as to the destination. This data is received via an IMP or Interface Message Processor. The IMP or more flexible TIP (an IMP with a flexible terminal handling capability) [2] is the backbone for routing w/in the ARPA Network. [1]. The IMP or TIP would accept the data, split the data into packets, add header information which included the source and destination address for each packet (read on interface addressing) and broadcast the packets to other IMPs within the system for ultimate accumulation and reassembly of each packet in turn in order to retrieve the original data for delivery of the intact data to the destination host processor [2] [3] [4] [9]. Reference [1] provides good pictorial layouts of the ARPA Network 1979, (section 5, Figures 10 and 11, pp. 397-398). As can be seen, there are wired connections coupling the various host/IMPs covering the continental United States (read on originated information originating from one of the originating processors and transmitted with the electronic mail system without using an RF information transmission network).

Depicted in the figures referenced above (and described in references [1] [5] [6] [7] [8]) the ARPA Network was also interfaced with an RF information transmission network, i.e., the ALOHANET, wherein information/electronic message/data, etc. originating from a host (originating) processor within the ARPA Network was deliverable to a host (destination) processor within the ALOHANET via a TIP or IMP (MENEHUE). The MENEHUE or ALOHANET's IMP received information from other IMPs within the ARPA Network (or from within the ALOHANET system for internal delivery or delivery to an IMP and destination host processor within the ARPA Network) and would operate in the same fashion to gather all of the packets together, to recover the original information/data/electronic message, etc. The ALOHANET is read on an RF information transmission network coupling destination processor together as well as to the ARPA Network.

The MENEHUE is read on the at least one addressed interface connecting an electronic mail system to the RF information transmission network in that the manner of transmitting data/information/electronic messages, etc. to the other processors within the ALOHANET system is accomplished via radio packet broadcasting. Information received from a host (originating) processor within the ARPA Network for example, would be received by the ALOHANET, assembled and then packetized with the specific destination processor/receiver address. The information is transmitted via a radio packetized broadcast via the MENEHUE, wherein either a repeater or host (destination) processor terminal unit, with the appropriate address only, would receive and process the transmitted information. [5] [6] [7] [8].

The origination or host processor, within either connected network (ARPA Network or ALOHANET) would add the destination information to the originated information in order for the information to be routed correctly in the first place. The previous paragraph's example of a host processor sending information/data/electronic message etc. to a destination processor in the

ALOHANET, reads on the claim limitation whereby the originated information is transmitted from the one interface (IMP connected to the host processor initiating the transmission) to the RF information transmission network with an address for a specific destination processor (i.e., one in which requires a radio packet broadcast in order to reach in the ALOHANET). [5] [6] [7] [8].

With specific respect to the limitation of "at least one additional information source, each additional information source being coupled to at least one of the at least one interface and originating other information from outside any of the at least one electronic mail system for transmission to at least one RF receiver" references [4] and [10] outline, e.g., the concept of TCP and Gateways which link the ARPA Network to other Networks around the Globe, as well as description of an IMP Port Expander (as depicted in Figure 1 of reference [10]) a Port expander would allow for other networks through a gateway, connect to an interface (i.e., IMP) within the ARPA Network, which as explained above permitted connection to the RF information network ALOHANET.

Reference [11] (U.S. Patent to Perkins)

The Perkins patent describes an INTERNET based system which allows for packet switch routing of information/data/electronic messages etc. between host processors across the Internet. This process is similar to that described with respect to the ARPA Network above (the ARPA Network was the forefather of Today's Internet). The problem that Perkins addresses has to deal with the connection of mobile communication units to LANs for addressing via packets routed from wired electronic mail systems into the wireless or RF transmission network.

The backbone of the INTERNET includes the host processors, routers, packeting processes as described previously, which reads on the claimed origination and destination processors (destinations not connected via an RF network) and interface routing via packeting processes which includes source and destination addressing. The problem the Perkins foresaw dealt with the addressing of mobile or non-fixed (RF) units. Fixed or wired Internet connection would have a permanently assigned TCP/IP routing address. If an end terminal were mobile, such as suggested by Perkins, then a fixed routing address would not work.

Perkins suggests a system/method for connecting the wired network to mobile users within an RF transmission network, see column 2, lines 4-10, lines 55-65; and column 3, lines 1-15. Column 3, lines 23-26 describe the local gateway as the interface device between the wired network and the RF transmission network with lines 5-8 stating that the routers of the wired Internet are instructed to forward packets destined for the wireless transmission network, to the global gateway. This reads on the addressing of the packets from an origination processor to the interface (global gateway) which connects the electronic mail system (INTERNET) to the RF information transmission network

Perkins goes on to describe that a mobile device may register with a particular LAN (local area network) by transmitting a unique identifier, such as its serial number, that is permanently stored within a memory of the mobile unit 10. The gateway (read as interface to RF transmission network) then associates this mobile ID with a pseudo-IP address which is assigned to the mobile device on a dynamic basis, column 5, lines 57-65. When the global gateway (interface) receives data/information/electronic message for a specific mobile unit (routed via destination address and delivered to the gateway) the gateway matches the received data to a dynamically assigned pseudo-IP address for the mobile and transmits the message to the appropriate LAN which broadcasts to the proper destination mobile (read on destination processor). Inherently the global gateway must have from the incoming packets, information with respect to the destination mobile which is entered from the origination processor, in order to associate the received packetized information/data/electronic message etc. for delivery to a specific mobile unit, see column 4, lines 25-60. Column 7, lines 54-56 and Column 8 lines 33-39 of Perkins provide examples of packet routing from the viewpoint of the mobile unit acting as origination processor. The IP address of the destination (remote user) processor is added to original data being transmitted and wherein the origination processor (mobile unit) adds header information to outgoing data so that the remote user (destination processor) knows that the data was initiated from the specific source, i.e. the mobile device. This example of TCP/IP routing demonstrates the claim limitations of adding address information at an origination processor originating the originated information.

CONCLUSION

In view of the above patent and printed publications and their teachings, a substantial new question of patentability is raised as to claims 1-223 of U.S. Patent 5,819,172. Reexamination of U.S. Patent 5,819,172 is ordered under 37 CFR § 1.520. All the patent claims will be reexamined.

____________________, for

Stephen G. Kunin
Deputy Commissioner for
Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE
Washington, D.C. 20231

CONTROL NUMBER	ORDER DATE	PATENT NUMBER	PATENTEE
90/006,494	December 26, 2002	6,067,451	Campana et al.

ANTONELLI, TERRY, STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

EXAMINER	
Dwayne Bost	
ART UNIT	**PAPER NUMBER**
2681	1

DATE MAILED: **December 26, 2002**

DIRECTOR INITIATED ORDER FOR REEXAMINATION

Attachment(s): ☒ PTO-892. ☐ PTO-1449.
☐ Other: ______________________

Response Time For Patent Owner's Statement:

TWO MONTHS from the date hereof. 37 CFR 1.530(b).

Notes: If the patent owner does not file a timely statement under 37 CFR 1.530(b), reexamination will proceed in accordance with 37 CFR 1.550(a).

An identification of the claims, the references relied on, and the rationale of the decision to order reexamination is attached.

REEXAMINATION ORDER:

Pursuant to 37 CFR 1.520, reexamination is ordered. Note the attached decision.

Reexamination Control No. 90/006,494

Pursuant to 37 CFR §1.520 the Director of the United States Patent and Trademark Office has determined that the prior art discussed below raises a substantial new question of patentability as to claims 1-341 of U.S. Patent No 6,067,451.

RELEVANT PRIOR ART

[1] Textbook Computer Structures: Principles and Examples, chapters 5, 24 and 25, by Siewiorek et al., published by McGraw-Hill book Company, copyright 1982.

[2] Heart et al., (Bolt Bernack and Newman, Inc.), "The interface message processor for the ARPA computer network," Spring Joint Computer Conference Proceeding, 1970, pp. 551-567.

[3] S.M.Ornstein et al., (Bolt Bernack and Newman, Inc.), "The Terminal IMP for the ARPA Computer Network," AFIPS Conference Proceedings, June 1972, pp. 243-254.

[4] Cerf, V.G., and Kahn, R.E. "A protocol for packet network intercommunication," IEEE Transactions on Communications, vol. Com-22, May 1974, pp. 637-648.

[5] Binder, R. et al. (Hawaii University Honolulu), "ALOHA Packet Broadcasting – A Retrospect," January 1975, 25 pgs. (contract number: NAS2-8590, ARPA Order-1956).

[6] Binder, R. et al. (University of Hawaii Honolulu, Hawaii), THE ALOHANET MENEHUE – VERSION II, ARPA Order-1956, September 1974, pp. 1-55.

[7] Binder, R. (University of Hawaii) ALOHANET PROTOCOLS, ARPA Order No. 1956., September 1974, pp. 1-36.

[8] Abrahmson, N., "Development of the ALOHANET," IEEE Transactions on Information Theory, Vol. IT-31, No. 2, March 1985, pp. 119-123.

[9] Roberts, L., "Data by the Packet," IEEE Spectrum, Vol. 11, pp. 46-51, February 1974.

[10] Nelson, H.A., "The ARPANET IMP (Interface Message Processor) Port Expander," pp. 1- 48, November 1980.

[11] U.S. Patent 5,159,592 (Perkins), issued Oct. 27, 1992, filed Oct. 29, 1990.

DECISION

The claims of the 451 patent are drawn to a system and method for connecting e-mail systems and hence electronic mail to an RF transmission network and ultimately to a specific RF receiver.

Claim 1 is exemplary:

> In a system comprising a communication system which transmits electronic mail, inputted to the communication system from a plurality of processors, and a RF system having a plurality of RF receivers which receive broadcasts from at least one broadcast location, the broadcast including information contained within the electronic mail and an identification of each RF receiver to receive the broadcast, an interface comprising:
>
> at least one input which receives at least the information contained within the electronic mail;
>
> at least one output which outputs a processed output, the processed output including the information contained within the electronic mail and an identification of each RF receiver which is to receive the broadcast of the information; and
>
> a processor, coupled to the at least one input and to the at least one output, which processes at least the information contained within the electronic mail to produce the processed output outputted by the at least one output.

References [1]-[10]

References [1]-[10] describe a system, method and details related to the equipment and protocols used to link computers together to form the ARPA Network (forefather of today's Internet) [1]. The ARPA Network links numerous host computers (read on originating processors w/in an electronic mail system) together. A host may send a message to another specific host (in which the specific host would then be read as a destination processor). The data which is transmitted by an origination host includes information as to the destination. This data is received via an IMP or Interface Message Processor. The IMP or more flexible TIP (an IMP with a flexible terminal handling capability) [2] is the backbone for routing w/in the ARPA Network. [1]. The IMP or TIP would accept the data, split the data into packets, add header information which included the source and destination address for each packet (read on interface addressing) and broadcast the packets to other IMPs within the system for ultimate accumulation and reassembly of each packet in turn in order to retrieve the original data for delivery of the intact data to the destination host processor [2] [3] [4] [9]. Reference [1] provides good pictorial layouts of the ARPA Network

1979, (section 5, Figures 10 and 11, pp. 397-398). As can be seen, there are wired connections coupling the various host/IMPs covering the continental United States (read on originated information originating from one of the originating processors and transmitted with the electronic mail system without using an RF information transmission network).

Depicted in the figures referenced above (and described in references [1] [5] [6] [7] [8]) the ARPA Network was also interfaced with an RF information transmission network, i.e., the ALOHANET, wherein information/electronic message/data, etc. originating from a host (originating) processor within the ARPA Network was deliverable to a host (destination) processor within the ALOHANET via a TIP or IMP (MENEHUE). The MENEHUE or ALOHANET's IMP received information from other IMPs within the ARPA Network (or from within the ALOHANET system for internal delivery or delivery to an IMP and destination host processor within the ARPA Network) and would operate in the same fashion to gather all of the packets together, to recover the original information/data/electronic message, etc. The ALOHANET is read on an RF information transmission network coupling destination processor together as well as to the ARPA Network.

The MENEHUE is read on the at least one addressed interface connecting an electronic mail system to the RF information transmission network in that the manner of transmitting data/information/electronic messages, etc. to the other processors within the ALOHANET system is accomplished via radio packet broadcasting. Information received from a host (originating) processor within the ARPA Network for example, would be received by the ALOHANET, assembled and then packetized with the specific destination processor/receiver address. The information is transmitted via a radio packetized broadcast via the MENEHUE, wherein either a repeater or host (destination) processor terminal unit, with the appropriate address only, would receive and process the transmitted information. [5] [6] [7] [8].

The origination or host processor, within either connected network (ARPA Network or ALOHANET) would add the destination information to the originated information in order for the information to be routed correctly in the first place. The previous paragraph's example of a host processor sending information/data/electronic message etc. to a destination processor in the ALOHANET, reads on the claim limitation whereby the originated information is transmitted from the one interface (IMP connected to the host processor initiating the transmission) to the RF information transmission network with an address for a specific destination processor (i.e., one in which requires a radio packet broadcast in order to reach in the ALOHANET). [5] [6] [7] [8].

Reference [11] (U.S. Patent to Perkins)

The Perkins patent describes an INTERNET based system which allows for packet switch routing of information/data/electronic messages etc. between host processors across the Internet. This process is similar to that described with respect to the ARPA Network above (the ARPA

Network was the forefather of Today's Internet). The problem that Perkins addresses has to deal with the connection of mobile communication units to LANs for addressing via packets routed from wired electronic mail systems into the wireless or RF transmission network.

The backbone of the INTERNET includes the host processors, routers, packeting processes as described previously, which reads on the claimed origination and destination processors (destinations not connected via an RF network) and interface routing via packeting processes which includes source and destination addressing. The problem the Perkins foresaw dealt with the addressing of mobile or non-fixed (RF) units. Fixed or wired Internet connection would have a permanently assigned TCP/IP routing address. If an end terminal were mobile, such as suggested by Perkins, then a fixed routing address would not work.

Perkins suggests a system/method for connecting the wired network to mobile users within an RF transmission network, see column 2, lines 4-10, lines 55-65; and column 3, lines 1-15. Column 3, lines 23-26 describe the local gateway as the interface device between the wired network and the RF transmission network with lines 5-8 stating that the routers of the wired Internet are instructed to forward packets destined for the wireless transmission network, to the global gateway. This reads on the addressing of the packets from an origination processor to the interface (global gateway) which connects the electronic mail system (INTERNET) to the RF information transmission network

Perkins goes on to describe that a mobile device may register with a particular LAN (local area network) by transmitting a unique identifier, such as its serial number, that is permanently stored within a memory of the mobile unit 10. The gateway (read as interface to RF transmission network) then associates this mobile ID with a pseudo-IP address which is assigned to the mobile device on a dynamic basis, column 5, lines 57-65. When the global gateway (interface) receives data/information/electronic message for a specific mobile unit (routed via destination address and delivered to the gateway) the gateway matches the received data to a dynamically assigned pseudo-IP address for the mobile and transmits the message to the appropriate LAN which broadcasts to the proper destination mobile (read on destination processor). Inherently the global gateway must have from the incoming packets, information with respect to the destination mobile which is entered from the origination processor, in order to associate the received packetized information/data/electronic message etc. for delivery to a specific mobile unit, see column 4, lines 25-60. Column 7, lines 54-56 and Column 8 lines 33-39 of Perkins provide examples of packet routing from the viewpoint of the mobile unit acting as origination processor. The IP address of the destination (remote user) processor is added to original data being transmitted and wherein the origination processor (mobile unit) adds header information to outgoing data so that the remote user (destination processor) knows that the data was initiated from the specific source, i.e. the mobile device. This example of TCP/IP routing demonstrates the claim limitations of adding address information at an origination processor originating the originated information.

CONCLUSION

In view of the above patent and printed publications and their teachings, a substantial new question of patentability is raised as to claims 1-341 of U.S. Patent 6,067,451 Reexamination of U.S. Patent 6,067,451 is ordered under 37 CFR § 1.520. All the patent claims will be reexamined.

Stephen G. Kunin
Deputy Commissioner for
Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
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DIRECTOR OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE
Washington, D.C. 20231

CONTROL NUMBER	ORDER DATE	PATENT NUMBER	PATENTEE
90/006,495	December 26, 2002	6,317,592	Campana et al.

ANTONELLI, TERRY, STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

EXAMINER	
Dwayne Bost	
ART UNIT	PAPER NUMBER
2681	1

DATE MAILED: **December 26, 2002**

DIRECTOR INITIATED ORDER FOR REEXAMINATION

Attachment(s): ☒ PTO-892. ☐ PTO-1449.
☐ Other: ______________________________

Response Time For Patent Owner's Statement:

TWO MONTHS from the date hereof. 37 CFR 1.530(b).

Notes: If the patent owner does not file a timely statement under 37 CFR 1.530(b), reexamination will proceed in accordance with 37 CFR 1.550(a).

An identification of the claims, the references relied on, and the rationale of the decision to order reexamination is attached.

REEXAMINATION ORDER:

Pursuant to 37 CFR 1.520, reexamination is ordered. Note the attached decision.

Reexamination Control No. 90/006,495

Pursuant to 37 CFR §1.520 the Director of the United States Patent and Trademark Office has determined that the prior art discussed below raises a substantial new question of patentability as to claims 1-665 of U.S. Patent No 6,317,592.

RELEVANT PRIOR ART

[1] Textbook Computer Structures: Principles and Examples, chapters 5, 24 and 25, by Siewiorek et al., published by McGraw-Hill book Company, copyright 1982.

[2] Heart et al., (Bolt Bernack and Newman, Inc.), "The interface message processor for the ARPA computer network," Spring Joint Computer Conference Proceeding, 1970, pp. 551-567.

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[4] Cerf, V.G., and Kahn, R.E. "A protocol for packet network intercommunication," IEEE Transactions on Communications, vol. Com-22, May 1974, pp. 637-648.

[5] Binder, R. et al. (Hawaii University Honolulu), "ALOHA Packet Broadcasting – A Retrospect," January 1975, 25 pgs. (contract number: NAS2-8590, ARPA Order-1956).

[6] Binder, R. et al. (University of Hawaii Honolulu, Hawaii), THE ALOHANET MENEHUE – VERSION II, ARPA Order-1956, September 1974, pp. 1-55.

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[8] Abrahmson, N., "Development of the ALOHANET," IEEE Transactions on Information Theory, Vol. IT-31, No. 2, March 1985, pp. 119-123.

[9] Roberts, L., "Data by the Packet," IEEE Spectrum, Vol. 11, pp. 46-51, February 1974.

[10] Nelson, H.A., "The ARPANET IMP (Interface Message Processor) Port Expander," pp. 1- 48, November 1980.

[11] U.S. Patent 5,159,592 (Perkins), issued Oct. 27, 1992, filed Oct. 29, 1990.

DECISION

The claims of the 592 patent are drawn to a system and method for connecting e-mail systems and hence electronic mail to an RF transmission network and ultimately to a specific RF receiver.

Claim 1 is exemplary:

> In a communication system comprising a wireless system which communication system transmits electronic mail inputted to the communication system from an originating device, mobile processors which execute electronic mail programming to function as a destination of electronic mail, and a destination processor to which the electronic mail is transmitted from the originating device and after reception of the electronic mail by the destination processor, information contained in the electronic mail and an identification of a wireless device in the wireless system are transmitted by the wireless system to the wireless device and from the wireless device to one of the mobile processors connected thereto, the originating device
> comprising:
>
> a programmed processor which executes electronic mail programming to originate the electronic mail, the electronic mail containing an address of the destination processor and the information contained in the electronic mail to be transmitted to the destination processor.

References [1]-[10]

References [1]-[10] describe a system, method and details related to the equipment and protocols used to link computers together to form the ARPA Network (forefather of today's Internet) [1]. The ARPA Network links numerous host computers (read on originating processors w/in an electronic mail system) together. A host may send a message to another specific host (in which the specific host would then be read as a destination processor). The data which is transmitted by an origination host includes information as to the destination. This data is received via an IMP or Interface Message Processor. The IMP or more flexible TIP (an IMP with a flexible terminal handling capability) [2] is the backbone for routing w/in the ARPA Network. [1]. The IMP or TIP would accept the data, split the data into packets, add header information which included the source and destination address for each packet (read on interface addressing) and broadcast the packets to other IMPs within the system for ultimate accumulation and reassembly of each packet in turn in order to retrieve the original data for delivery of the intact data to the destination host processor [2] [3] [4] [9]. Reference [1] provides good pictorial layouts of the ARPA Network-1979, (section 5, Figures 10 and 11, pp. 397-398). As can be seen, there are wired connections coupling the various host/IMPs covering the continental United States (read on originated information originating from one of the originating processors and transmitted with the electronic mail system without using an RF information transmission network).

Depicted in the figures referenced above (and described in references [1] [5] [6] [7] [8]) the ARPA Network was also interfaced with an RF information transmission network, i.e., the ALOHANET, wherein information/electronic message/data, etc. originating from a host (originating) processor within the ARPA Network was deliverable to a host (destination) processor within the ALOHANET via a TIP or IMP (MENEHUE). The MENEHUE or ALOHANET's IMP received information from other IMPs within the ARPA Network (or from within the ALOHANET system for internal delivery or delivery to an IMP and destination host processor within the ARPA Network) and would operate in the same fashion to gather all of the packets together, to recover the original information/data/electronic message, etc. The ALOHANET is read on an RF information transmission network coupling destination processor together as well as to the ARPA Network.

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Reference [11] (U.S. Patent to Perkins)

The Perkins patent describes an INTERNET based system which allows for packet switch routing of information/data/electronic messages etc. between host processors across the Internet. This process is similar to that described with respect to the ARPA Network above (the ARPA Network was the forefather of Today's Internet). The problem that Perkins addresses has to deal with the connection of mobile communication units to LANs for addressing via packets routed from wired electronic mail systems into the wireless or RF transmission network.

The backbone of the INTERNET includes the host processors, routers, packeting processes as described previously, which reads on the claimed origination and destination processors (destinations not connected via an RF network) and interface routing via packeting processes which includes source and destination addressing. The problem the Perkins foresaw dealt with the addressing of mobile or non-fixed (RF) units. Fixed or wired Internet connection would have a permanently assigned TCP/IP routing address. If an end terminal were mobile, such as suggested by Perkins, then a fixed routing address would not work.

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Perkins goes on to describe that a mobile device may register with a particular LAN (local area network) by transmitting a unique identifier, such as its serial number, that is permanently stored within a memory of the mobile unit 10. The gateway (read as interface to RF transmission network) then associates this mobile ID with a pseudo-IP address which is assigned to the mobile device on a dynamic basis, column 5, lines 57-65. When the global gateway (interface) receives data/information/electronic message for a specific mobile unit (routed via destination address and delivered to the gateway) the gateway matches the received data to a dynamically assigned pseudo-IP address for the mobile and transmits the message to the appropriate LAN which broadcasts to the proper destination mobile (read on destination processor). Inherently the global gateway must have from the incoming packets, information with respect to the destination mobile which is entered from the origination processor, in order to associate the received packetized information/data/electronic message etc. for delivery to a specific mobile unit, see column 4, lines 25-60. Column 7, lines 54-56 and Column 8 lines 33-39 of Perkins provide examples of packet routing from the viewpoint of the mobile unit acting as origination processor. The IP address of the destination (remote user) processor is added to original data being transmitted and wherein the origination processor (mobile unit) adds header information to outgoing data so that the remote user (destination processor) knows that the data was initiated from the specific source, i.e. the mobile device. This example of TCP/IP routing demonstrates the claim limitations of adding address information at an origination processor originating the originated information.

Reexamination Control No. 90/006,495

CONCLUSION

In view of the above patent and printed publications and their teachings, a substantial new question of patentability is raised as to claims 1-665 of U.S. Patent 6,317,592. Reexamination of U.S. Patent 6,317,592 is ordered under 37 CFR § 1.520. All the patent claims will be reexamined.

Stephen G. Kunin
Deputy Commissioner for
Patent Examination Policy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/006,677	06/24/2003	5479472		5442

20457 7590 09/03/2003

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ART UNIT	PAPER NUMBER
2681	5

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

90006677.090303

CC: David L. Stewart (third party)

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REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/006677

PATENT NO. 5,479,472

ART UNIT 2681

Enclosed is a copy of the latest communication from the Patent and Trademark Office in the above identified reexamination proceeding. 37 C.F.R. 1.550(e).

Where this copy is supplied after the reply by requester, 37 C.F.R. 1.535, or the time for filing a reply has passed, no submissions on behalf of the reexamination requester will be acknowledged or considered. 37 C.F.R. 1.550(e).

Order Granting / Denying Request For Ex Parte Reexamination	Control No.	Patent Under Reexamination	
	90/006,677	5479472	
	Examiner	Art Unit	
	Lester G. Kincaid	2685	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed *24 June 2003* has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)☐ PTO-892, b)☒ PTO-1449, c)☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. ☐ The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

a) ☐ by Treasury check or,

b) ☐ by credit to Deposit Account No. _____, or

c) ☐ by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

Reexamination

1. A substantial new question of patentability affecting claims 1-62 of United States Patent Number 5,479,472 is raised by the request for reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in reexamination proceedings are provided for in 37 CFR 1.550(c).

Issues Raised in the Request

The Request for Reexamination incorporates a LIST OF APPENDICES and also provides a PTO-1449 form, both of which list pertinent prior art to be considered in the Request. The Request is somewhat confusing in that the LIST OF APPENDICES and the PTO-1449 both refer to listed prior art using different identifiers. For example, reference "B1" on the LIST OF APPENDICES appears to be identical to reference "AD" on the PTO-1449; and reference "B2" on the LIST OF APPENDICES appears to be coincide with reference "AE" on the PTO-1449. Furthermore, some of the 'references' listed in the LIST OF APPENDICES (such as references "B3", "C1" and "D1") are not listed on the PTO-1449, inasmuch as they are claim charts (not prior art) provided by the requester.

Furthermore, the choice of language used to set forth the issues raised in the request are confusing. For example, the Request sets forth that each of the

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independent claims is “anticipated” by single “reference B1 (GSM/X.400) as explained by references B2 and B4”. Yet the “(GSM/X.400)” identifier following reference “B1” implies it must be the combination of at least B1 and B2 together which are to be considered inasmuch as “B1” is the GSM report and “B2” is the X.400 standard.

In an effort to clarify the record, the following paragraphs set forth the examiner’s best interpretation of each issue raised in the request. **Furthermore, for consistency, all prior art references have been identified in parentheses by the identifiers they have been provided with the on the PTO-1449, hereafter “1449”.**

2. The request indicates that the Requester considers claims 1 and 22 to be unpatentable over each of the following references:

(1) the integration of GSM and X.400 (hereafter GSM/X.400 system) as described in GSM Report 03-42 (1449-AD) entitled “Advanced MHS Access” in combination with references entitled CCITT Standard X.400 (1449 - AE) and “Architectural Aspects of Data and Telematic Services in a GSM PLMN” by Graham Crisp and Alfons Eizenhoefer from the Proceedings of the Third Nordic Seminar on Digital Land Mobile Radio Communications, September 12-15, 1988 in Copenhagen (1449 - AF);

(2) the GSM/X.400 system (as also disclosed by references AD, AE, and AF), but relying on the SMS feature (hereafter GSM/SMS system);

(3) Perkins (1449 - AB);

(4) Zabarsky et al. (1449 - AC);

(5) the printed document entitled "The AlohaNet" (1449 - AG) in combination with Computer Structures: Principles and Examples (1449 - AH), (the combination hereafter The AlohaNet documents);

(6) the combination of the SAM Reference Manual (1449 - AI) and SAM User Manual (1449 - AJ), the combination herefter noted as "TekNow-SAM system";

(7) the combination of references Beginner's Guide to TCP/IP on the Amateur Radio Packet Radio Network Using the KA9Q Internet Software (1449 - AQ) in combination with KA9Q Internet Software Package (1449 - AR), Portable RTTY Operation (1449 - AS), Your Gateway to Packet Radio (1449 - AT), PSR Quarterly -- Sarex II, "Packet Radio from the Shuttle" (1449 - AU), ARRL AMATEUR RADIO 5th Computer Network Conference (1449 - AV), ARRL AMATEUR RADIO 6th Computer Network Conference (1449 - AW), ARRL AMATEUR RADIO 7th Computer Network Conference (1449 - AX), ARRL AMATEUR RADIO 8th Computer Network Conference (1449 - AY), and ARRL AMATEUR RADIO 9th Computer Network Conference (1449 - AZ), the combination hereafter noted as "KA9Q Software",

and claims 2-21 and 23-62 to be unpatentable over each of the above named references individually in conjunction with admissions of prior art in the Campana, Jr. et al patent specification.

3. It is agreed that consideration of the references raises a substantial new question of patentability as to claims 1-62 of the Campana, Jr. et al. patent (5,479,472). As pointed out in the claim charts applying each reference to the recited limitations of the

independent patented claims, the references reasonably convey a system including each of the claimed features. Of the references, only Zabarsky et al. was previously of record in the prosecution of the application that became the Campana, Jr. et al. patent and the requester has detailed a new interpretation of Zabarsky et al. which reasonably provides for the claimed features. Further, there is a substantial likelihood that a reasonable examiner would consider the other teachings, either alone or in combination, as material to the decision of patentability of the Campana, Jr. et al. claims. In addition, as pointed out in the claim charts applying the admitted prior art to the recited limitations of the dependent patented claims, the references in conjunction with the admitted prior art reasonably convey a system including each of the claimed features. Accordingly, the cited references raise a substantial new question of patentability of claims 1-62, which question has not been decided in a previous examination of the Campana, Jr. et al. patent.

4. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,479,472 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Lester Kincaid
Primary Examiner
AU 2685
9/2/03

ALLEN R. MACDONALD
DIRECTOR
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE
Washington, D.C. 20231

CONTROL NUMBER	ORDER DATE	PATENT NUMBER	PATENTEE
90/006,492	December 26, 2002	5,631,946	Campana et al.

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EXAMINER	
Dwayne Bost	
ART UNIT	PAPER NUMBER
2681	1

DATE MAILED: **December 26, 2002**

DIRECTOR INITIATED ORDER FOR REEXAMINATION

Attachment(s): ☒ PTO-892. ☐ PTO-1449.
☐ Other: ______________________

Response Time For Patent Owner's Statement:

TWO MONTHS from the date hereof. 37 CFR 1.530(b).

Notes: If the patent owner does not file a timely statement under 37 CFR 1.530(b), reexamination will proceed in accordance with 37 CFR 1.550(a).

An identification of the claims, the references relied on, and the rationale of the decision to order reexamination is attached.

REEXAMINATION ORDER:

Pursuant to 37 CFR 1.520, reexamination is ordered. Note the attached decision.

Reexamination Control No. 90/006,492

Pursuant to 37 CFR §1.520 the Director of the United States Patent and Trademark Office has determined that the prior art discussed below raises a substantial new question of patentability as to claims 1-185 of U.S. Patent No 5,631,946.

RELEVANT PRIOR ART

[1] Textbook Computer Structures: Principles and Examples, chapters 5, 24 and 25, by Siewiorek et al., published by McGraw-Hill book Company, copyright 1982.

[2] Heart et al., (Bolt Bernack and Newman, Inc.), "The interface message processor for the ARPA computer network," Spring Joint Computer Conference Proceeding, 1970, pp. 551-567.

[3] S.M.Ornstein et al., (Bolt Bernack and Newman, Inc.), "The Terminal IMP for the ARPA Computer Network," AFIPS Conference Proceedings, June 1972, pp. 243-254.

[4] Cerf, V.G., and Kahn, R.E. "A protocol for packet network intercommunication," IEEE Transactions on Communications, vol. Com-22, May 1974, pp. 637-648.

[5] Binder, R. et al. (Hawaii University Honolulu), "ALOHA Packet Broadcasting – A Retrospect," January 1975, 25 pgs. (contract number: NAS2-8590, ARPA Order-1956).

[6] Binder, R. et al. (University of Hawaii Honolulu, Hawaii), THE ALOHANET MENEHUE – VERSION II, ARPA Order-1956, September 1974, pp. 1-55.

[7] Binder, R. (University of Hawaii) ALOHANET PROTOCOLS, ARPA Order No. 1956., September 1974, pp. 1-36.

[8] Abrahmson, N., "Development of the ALOHANET," IEEE Transactions on Information Theory, Vol. IT-31, No. 2, March 1985, pp. 119-123.

[9] Roberts, L., "Data by the Packet," IEEE Spectrum, Vol. 11, pp. 46-51, February 1974.

[10] Nelson, H.A., "The ARPANET IMP (Interface Message Processor) Port Expander," pp. 1- 48, November 1980.

[11] U.S. Patent 5,159,592 (Perkins), issued Oct. 27, 1992, filed Oct. 29, 1990.

DECISION

The claims of the 946 patent are drawn to a system and method for connecting e-mail systems and hence electronic mail to an RF transmission network and ultimately to a specific RF receiver.

Claim 1 is exemplary:

> A system for transmitting originated information from one of a plurality of originating processors contained in an electronic mail system to at least one RF receiver with the originated information originating from one of the plurality of originating processors and being transmitted by an RF information transmission network to the at least one RF receiver and for transmitting other originated information originating from one of the originating processors with the electronic mail system without using the RF information transmission network to at least one of a plurality of destination processors comprising:
>
> at least one interface, one of the at least one interface connecting the electronic mail system containing the plurality of originating processors to the RF information transmission network; and wherein
>
> the originated information is transmitted in association with an address of the one interface from the one of the plurality of originating processors to the one interface with the electronic mail system responding to the address of the one interface to direct the originated information from the one of the plurality of originating processors to the one interface; and
>
> the originated information is transmitted from the one of the at least one interface to the RF information transmission network with an address of the at least one RF receiver to receive the originated information being associated with the originated information before transmission of the originated information to the at least one RF receiver.

References [1]-[10]

References [1]-[10] describe a system, method and details related to the equipment and protocols used to link computers together to form the ARPA Network (forefather of today's Internet) [1]. The ARPA Network links numerous host computers (read on originating processors w/in an electronic mail system) together. A host may send a message to another specific host (in which the specific host would then be read as a destination processor). The data which is transmitted by an origination host includes information as to the destination. This data is received via an IMP or Interface Message Processor. The IMP or more flexible TIP (an IMP with a flexible terminal handling capability) [2] is the backbone for routing w/in the ARPA Network. [1]. The IMP or

TIP would accept the data, split the data into packets, add header information which included the source and destination address for each packet (read on interface addressing) and broadcast the packets to other IMPs within the system for ultimate accumulation and reassembly of each packet in turn in order to retrieve the original data for delivery of the intact data to the destination host processor [2] [3] [4] [9]. Reference [1] provides good pictorial layouts of the ARPA Network 1979, (section 5, Figures 10 and 11, pp. 397-398). As can be seen, there are wired connections coupling the various host/IMPs covering the continental United States (read on originated information originating from one of the originating processors and transmitted with the electronic mail system without using an RF information transmission network).

Depicted in the figures referenced above (and described in references [1] [5] [6] [7] [8]) the ARPA Network was also interfaced with an RF information transmission network, i.e., the ALOHANET, wherein information/electronic message/data, etc. originating from a host (originating) processor within the ARPA Network was deliverable to a host (destination) processor within the ALOHANET via a TIP or IMP (MENEHUE). The MENEHUE or ALOHANET's IMP received information from other IMPs within the ARPA Network (or from within the ALOHANET system for internal delivery or delivery to an IMP and destination host processor within the ARPA Network) and would operate in the same fashion to gather all of the packets together, to recover the original information/data/electronic message, etc. The ALOHANET is read on an RF information transmission network coupling destination processor together as well as to the ARPA Network.

The MENEHUE is read on the at least one addressed interface connecting an electronic mail system to the RF information transmission network in that the manner of transmitting data/information/electronic messages, etc. to the other processors within the ALOHANET system is accomplished via radio packet broadcasting. Information received from a host (originating) processor within the ARPA Network for example, would be received by the ALOHANET, assembled and then packetized with the specific destination processor/receiver address. The information is transmitted via a radio packetized broadcast via the MENEHUE, wherein either a repeater or host (destination) processor terminal unit, with the appropriate address only, would receive and process the transmitted information. [5] [6] [7] [8].

The origination or host processor, within either connected network (ARPA Network or ALOHANET) would add the destination information to the originated information in order for the information to be routed correctly in the first place. The previous paragraph's example of a host processor sending information/data/electronic message etc. to a destination processor in the ALOHANET, reads on the claim limitation whereby the originated information is transmitted from the one interface (IMP connected to the host processor initiating the transmission) to the RF information transmission network with an address for a specific destination processor (i.e., one in which requires a radio packet broadcast in order to reach in the ALOHANET). [5] [6] [7] [8].

Reference [11] (U.S. Patent to Perkins)

The Perkins patent describes an INTERNET based system which allows for packet switch routing of information/data/electronic messages etc. between host processors across the Internet. This process is similar to that described with respect to the ARPA Network above (the ARPA Network was the forefather of Today's Internet). The problem that Perkins addresses has to deal with the connection of mobile communication units to LANs for addressing via packets routed from wired electronic mail systems into the wireless or RF transmission network.

The backbone of the INTERNET includes the host processors, routers, packeting processes as described previously, which reads on the claimed origination and destination processors (destinations not connected via an RF network) and interface routing via packeting processes which includes source and destination addressing. The problem the Perkins foresaw dealt with the addressing of mobile or non-fixed (RF) units. Fixed or wired Internet connection would have a permanently assigned TCP/IP routing address. If an end terminal were mobile, such as suggested by Perkins, then a fixed routing address would not work.

Perkins suggests a system/method for connecting the wired network to mobile users within an RF transmission network, see column 2, lines 4-10, lines 55-65; and column 3, lines 1-15. Column 3, lines 23-26 describe the local gateway as the interface device between the wired network and the RF transmission network with lines 5-8 stating that the routers of the wired Internet are instructed to forward packets destined for the wireless transmission network, to the global gateway. This reads on the addressing of the packets from an origination processor to the interface (global gateway) which connects the electronic mail system (INTERNET) to the RF information transmission network

Perkins goes on to describe that a mobile device may register with a particular LAN (local area network) by transmitting a unique identifier, such as its serial number, that is permanently stored within a memory of the mobile unit 10. The gateway (read as interface to RF transmission network) then associates this mobile ID with a pseudo-IP address which is assigned to the mobile device on a dynamic basis, column 5, lines 57-65. When the global gateway (interface) receives data/information/electronic message for a specific mobile unit (routed via destination address and delivered to the gateway) the gateway matches the received data to a dynamically assigned pseudo-IP address for the mobile and transmits the message to the appropriate LAN which broadcasts to the proper destination mobile (read on destination processor). Inherently the global gateway must have from the incoming packets, information with respect to the destination mobile which is entered from the origination processor, in order to associate the received packetized information/data/electronic message etc. for delivery to a specific mobile unit, see column 4, lines 25-60. Column 7, lines 54-56 and Column 8 lines 33-39 of Perkins provide examples of packet routing from the viewpoint of the mobile unit acting as origination processor. The IP address of the destination (remote user) processor is added to original data being transmitted and wherein the origination processor (mobile unit) adds header information to outgoing data so that the remote user (destination processor) knows that the data was initiated from the specific source, i.e. the mobile device. This example of TCP/IP routing demonstrates the claim limitations of adding address information at an origination processor originating the originated information.

CONCLUSION

In view of the above patent and printed publications and their teachings, a substantial new question of patentability is raised as to claims 1-185 of U.S. Patent 5,631,946. Reexamination of U.S. Patent 5,631,946 is ordered under 37 CFR § 1.520. All the patent claims will be reexamined.

Stephen G. Kunin
Deputy Commissioner for
Patent Examination Policy

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